REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 47-65 will be pending. By this amendment, claims 1-46 have been canceled; and claims 47-65 have been added. No new matter has been added.

§102 Rejection of Claims 1-12, 14-31, and 39-42

In Section 4 of the Office Action, claims 1-12, 14-31, and 39-42 stand rejected under 35 U.S.C. §102(e) as being anticipated by Sahai *et al.* (U.S. Patent No. 6,594,699; hereinafter referred to as "Sahai"). Claims 1-12, 14-31, and 39-42 have been canceled.

§102 Rejection of Claims 36-38 and 44-46

In Section 39 of the Office Action, claims 36-38 and 44-46 stand rejected under 35 U.S.C. §102(e) as being anticipated by Capps (U.S. Patent No. 6,711,682). Claims 36-38 and 44-46 have been canceled.

§103 Rejection of Claim 13

In Section 47 of the Office Action, claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Sahai in view of Abramowitz *et al.* (U.S. Patent No. 6,441,831; hereinafter referred to as "Abramowitz"). Claim 13 has been canceled.

Newly-added Claims 47-65

In the Background of the Specification, it was indicated, "[g]iven the availability of data networks and the availability of high-speed data connections, it is now commonplace for end users to access multi-media content. A number of web sites now offer audio and video to users. Ideally, the user simply clicks on a link or control presented in a web page, and one or more multi-media files are delivered. If the user has the appropriate hardware and software configuration, the file can then be played." *Background of the Specification, page 2, lines 1-6.* It was further indicated, "[g]iven this variety of platforms, operating systems, players, and data rates, a content provider is faced with the problem of how to format the content to be delivered. Incorrect formatting would result in the delivery of content that was incompatible with a user's configuration. This could result in content that is unusable. If the content is usable, the content may be in a format that fails to take advantage of all the features available in the user's configuration, such that the content, as experienced by the user, is not as rich as it could be. ... In the past, content providers have addressed this problem by choosing some set of common user configurations. The provider, for example, might identify the most common media players and versions thereof. The provider formats the content for each of these players and stores these assorted versions of the content. The provider would then develop a menu to be provided to the user, in effect asking which media player the user has, or, if the user has more than one, which player is preferred by the user. The user then makes a selection, and the content that has been pre-encoded in the selected format is delivered to the user. ... This solution has limitations. First, it is relatively inflexible. The number of options is limited. A user's specific configuration may not have been presented as an option in the menu. And if an end user has more than one media player available to him, the user's preferred choice may not have been listed as an option. Also,

the solution above requires user input each time. The user might not want to be queried. The user may instead prefer that formatting be resolved for him. In other situations, the user might not know the information requested by the menu. The user may not know what version of a media player he has. This solution also requires that a content provider change their menus and re-encode content whenever new players (or new versions of existing players) become prevalent. The above solution, therefore, is inflexible and burdensome to both the user and the provider." *Background of the Specification, page 2, line 20 to page 3, line 17.*

To solve the above-described problems, embodiments of the present invention include methods for "determining the configuration of an end user's computer system." *Specification, page 3, lines 27-28.*

For example, the steps of method claim 47, as presented herein, include:

> *receiving* a request for media data from a client device;
>
> *sending* a detection code to the client device;
>
> *detecting*, at the client side, the media player information available on the client device by the detection code;
>
> *fetching* the requested media data; and
>
> *transferring* the requested media data suitable for the detected media player information to the client computer over the network.
>
> (emphasis added)

Accordingly, in one aspect of claim 47, the method of transferring requested media data over a network includes *receiving* a request; *sending* a detection code to the client device; *detecting*, at the client side, the media player information available on the client device by the detection code; *fetching* the requested media data; and *transferring* the requested media data suitable for the detected media player information to the client computer over the network.

By contrast, Sahai fails to teach or suggest sending a detection code to the client device; and detecting, at the client side, the media player information available on the client device by the detection code. Sahai states that "[t]he process of the invention starts with the user "clicking-on" 22 the Universal Resource Locator (URL) associated with the streamable multimedia asset desired. When this occurs the process 20 prompts 24 the user for the user specifications or preferences, or selects a default set of user specifications." *Sahai, column 5, lines 1-6.* Therefore, Sahai merely teaches that the user is prompted for the media player information rather than having the server providing a detection code to determine the media player information without user input. Sahai actually teaches away from having the server detect the media player information when it states that "because of the security features of JAVA which prevent "invasion" of or "snooping-in" the client 12 by a JAVA applet, the application sent by the server 10 to the client 12 is limited to asking (prompting) the user to supply the capability information of the client and asking the user for user specifications/preferences using specific questions." *Sahai, column 6, line 64 to column 7, line 2.* Further, Sahai indicates that the server sends a reply including the MIME type of the requested data and the client plays the requested media based on the MIME type. Thus, the server of Sahai will not be able to determine which media type can be played on the client device. Therefore, Sahai fails to teach or suggest all the limitations of the claim 47. The other cited prior art references, Capps and Abramowitz, also fail to teach or suggest all the limitations of claim 47.

Based on the foregoing discussion, claim 47 should be allowable over the cited prior art references. Since claims 53, 57, 61, and 63, as amended herein, closely parallel, and recite substantially similar limitations as recited in, claim 47, claims 53, 57, 61, and 63 should also be allowable over the cited prior art references. Further, since claims 48-52, 54-56, 58-60, 62, and

64-65 depend from claims 47, 53, 57, 61, and 63, respectively, claims 48-52, 54-56, 58-60, 62, and 64-65 should also be allowable over the cited prior art references.

Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 47-65 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By: Samuel S. Lee, Reg. No. 42,791 for
William S. Frommer
Reg. No. 25,506
(212) 588-0800